

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Clayton Francis Marshalek,

Civ. No. 20-628 (PAM/LIB)

Petitioner,

v.

ORDER

Paul Schnell,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Leo I. Brisbois dated June 14, 2021. (Docket No. 17.) The R&R recommends that Petitioner Clayton Francis Marshalek’s Petition for habeas-corpus relief be denied, this action dismissed with prejudice, and that no certificate of appealability be granted. No party objected to the R&R, and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 17) is **ADOPTED**;
2. The Motion for Summary Judgment (Docket No. 13) is **DENIED**;
3. The Petition (Docket No. 1) is **DENIED**;
4. This matter is **DISMISSED with prejudice**; and
5. No Certificate of Appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Tuesday, July 13, 2021

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge